

UNITED STATES COAST PILOT CORRECTIONS

**COAST PILOT 5 30 Ed 2003 Change No. 24
LAST NM 27/03**

Page 151—Paragraph 3726, line 4; read:
expiration date.

(r) *Moratorium on charter vessel/headboat permits for Gulf coastal migratory pelagic fish and Gulf reef fish.* The provisions of this paragraph (r) are applicable through June 16, 2006. Notwithstanding the other provisions of this paragraph (r), the expiration dates of all charter vessel/headboat permits for Gulf reef fish or Gulf coastal migratory pelagic fish that were not issued under the provision of this paragraph (r) and that were valid or renewable as of December 17, 2002, will be extended through November 13, 2003, provided that a permit has not been issued under this paragraph (r) for the applicable vessel.

(1) *Applicability.* Beginning November 13, 2003, the only valid charter vessel/headboat permits for Gulf coastal migratory pelagic fish or Gulf reef fish are those that have been issued under the moratorium criteria in this paragraph (r). No applications for additional charter vessel/headboat permits for these fisheries will be accepted. Existing permits may be renewed, are subject to the transferability provisions in paragraph (r)(9) of this section, and are subject to the requirement for timely renewal in paragraph (r)(10) of this section.

(2) *Initial eligibility.* Initial eligibility for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish is limited to the following:

(i) An owner of a vessel that had a valid charter vessel/headboat permit for Gulf reef fish or coastal migratory pelagic fish on March 29, 2001, or held such a permit during the preceding year or whose application for such permit had been received by NMFS, by March 29, 2001, and was being processed or awaiting processing.

(ii) Any person who can provide NMFS with documentation verifying that, prior to March 29, 2001, he/she had a charter vessel or head/boat under construction and that the associated expenditures were at least \$5,000 as of that date. If the vessel owner was constructing the vessel, the vessel owner must provide NMFS with receipts for the required expenditures. If the vessel was being constructed by someone other than the owner, the owner must provide NMFS with a copy of the contract and/or receipts for the required expenditures.

(iii) A historical captain, defined for the purposes of paragraph (r) of this section as a person who provides NMFS with documentation verifying that

(A) Prior to March 29, 2001, he/she was issued either a USCG Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license; operated, as a captain, a federally permitted charter vessel or headboat in the Gulf reef fish and /or coastal migratory pelagic fisheries; but does not have a fishery permit issued in their name; and

(B) At least 25 percent of his/her earned income was derived from charter vessel or headboat fishing in

one of the years, 1997, 1998, 1999, or 2000.

(3) *Special conditions applicable to eligibility based on historical captain status.* A person whose eligibility is based on historical captain status will be issued a letter of eligibility by the RA. The letter of eligibility may be redeemed through the RA for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish, with a historical captain endorsement. The letter of eligibility is valid for the duration of the moratorium; is valid only for a vessel of the same or lesser authorized passenger capability as the vessel used to document earned income in paragraph (r)(2)(iii)(B) of this section; and is valid only for the fisheries certified on the application under paragraph (r)(2)(iii)(A) of this section. A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish with a historical captain endorsement is valid only on a vessel that the historical captain operates as a captain.

(4) *Determination of eligibility based on permit history.* NMFS' permit records are the sole basis for determining eligibility based on permit or application history. An owner of a currently permitted vessel who believes he/she meets the permit or application history criterion based on ownership of a vessel under a different name, as may have occurred when ownership has changed from individual to corporate or vice versa, must document his/her continuity of ownership. An owner will not be issued initial charter vessel/headboat permits for Gulf coastal migratory pelagic fish or Gulf reef fish under the moratorium in excess of the number of federally permitted charter vessels and/or headboats that he/she owned simultaneously at some time during the period March 29, 2000 through March 29, 2001.

(5) *Application requirements and procedures—(i) General.* An applicant who desires a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish must submit an application for such permit to the RA postmarked or hand-delivered not later than September 15, 2003. Application forms are available from the RA. The information requested on the application form varies according to the eligibility criterion that the application is based upon as indicated in paragraphs (r)(5)(ii), (r)(5)(iii), and (r)(5)(iv) of this section; however, all applicants must provide a copy of the applicable, valid USCG Operator of Uninspected Passenger Vessel license or Masters license and valid USCG Certificate of Inspection. Failure to apply in a timely manner will preclude permit issuance even when the applicant meets the eligibility criteria for such permit.

(ii) *Application based on the prior permit/application history criterion.* On or about June 16, 2003, the RA will mail an application for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish to each owner of a vessel who, according to NMFS' permit records, is eligible based on the permit or application history criterion in paragraph (r)(2)(i) of this section. Information requested on the application is consistent with the standard information required in paragraph (b)(3)(ii) of this section. The RA will also mail each such owner a notice that his/her existing char-

ter vessel/headboat permit(s) for coastal migratory pelagic fish and/or Gulf reef fish will expire November 13, 2003, and that the new permit(s) required under this moratorium will be required as of that date. A vessel owner who believes he/she qualifies for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on permit or application history, but who does not receive an application from the RA, must request an application from the RA and provide documentation of eligibility. The RA will mail applications and notifications to vessel owner addresses as indicated in NMFS' permit records.

(iii) *Application based on a charter vessel/headboat under construction prior to March 29, 2001.* A person who intends to obtain a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on the vessel-under-construction eligibility criterion in paragraph (r)(2)(ii) of this section must obtain an application from the RA. Information requested on the application includes the standard information required in paragraph (b)(3)(ii) of this section and the documentation of construction and associated costs as specified in paragraph (r)(2)(ii) of this section.

(iv) *Application based on historical captain status.* A person who intends to obtain a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on historical captain status must obtain an application from the RA. Information requested on the application includes the standard information required in paragraph (b)(3)(ii) of this section and documentation of the criteria specified in paragraphs (r)(2)(iii)(A) and (B) of this section. Such documentation includes income tax records pertinent to verifying earned income; a copy of the applicable USCG license and/or Certificate of Inspection; and a notarized affidavit signed by a vessel owner certifying the period the applicant served as captain of a charter vessel or headboat permitted for Gulf reef fish and/or coastal migratory pelagic fish whether the charter vessel or headboat was permitted for Gulf reef fish or coastal migratory pelagic fish or both, and whether the charter vessel or headboat was uninspected (i.e., 6-pack) or had a USCG Certificate of Inspection.

(v) *Incomplete applications.* If an application that is postmarked or hand-delivered in a timely manner is incomplete, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 20 days of the date of the RA's notification, the application will be considered abandoned.

(6) *Issuance of initial permits.* If a complete application is submitted in a timely manner and the applicable eligibility requirements specified in paragraph (r)(2) of this section are met, the RA will issue a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish or a letter of eligibility for such fisheries, as appropriate, and mail it to the applicant not later than November 3, 2003.

(7) *Notification of ineligibility.* If the applicant does not meet the applicable eligibility requirements of paragraph (r)(2) of this section, the RA will notify the applicant, in

writing, of such determination and the reasons for it not later than October 14, 2003.

(8) *Appeal process.* (i) An applicant may request an appeal of the RA's determination regarding initial permit eligibility, as specified in paragraph (r)(2) of this section, by submitting a written request for reconsideration to the RA with copies of the appropriate records for establishing eligibility. Such request must be postmarked or hand-delivered within 45 days after the date of the RA's notification of ineligibility and may include a request for an oral hearing. If an oral hearing is granted, the RA will notify the applicant of the place and date of the hearing and will provide the applicant a maximum of 45 days prior to the hearing to provide information in support of the appeal.

(ii) A request for an appeal constitutes the appellant's authorization under section 402(b)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et. Seq.) for the RA to make available to the appellate officer(s) such confidential records as are pertinent to the appeal.

(iii) The RA may independently review the appeal or may appoint one or more appellate officers to review the appeal and make independent recommendations to the RA. The RA will make the final determination regarding granting or denying the appeal.

(iv) The RA and appellate officer(s) are empowered only to deliberate whether the eligibility criteria in paragraph (r)(2) of this section were applied correctly. Hardship or other factors will not be considered in determining eligibility.

(v) The RA will notify the applicant of the decision regarding the appeal within 45 days after receipt of the request for appeal or within 45 days after the conclusion of the oral hearing, if applicable. The RA's decision will constitute the final administrative action by NMFS.

(FR 5/15/03)

30/03

COAST PILOT 5 **30 Ed 2003** **Change No. 25**
Page 316—Paragraph 35, lines 3 to 4; read:

Lake Grande Ecaille. The pass is marked by a light. This pass, Grand Bayou Pass to ...

(CL 776/03; NOS 11358)

30/03

Page 319—Paragraph 80, line 4; read:

through 117.49, chapter 2, for drawbridge regulations.) Severe tidal rips were reported under the bridge; extreme caution is advised. Also at Leeville, there ...

(CL 675/03)

30/03

Page 324—Paragraph 179, line 1; read:

Oyster Bayou Light (29°12'52"N., 91°07'43"W.), 30 feet ...

(20/03 CG8; LL/03)

30/03

Page 357—Paragraph 324, lines 7 to 11; read:

of Red Fish Bar, there are several dredged openings through the spoil bank that permit passage into NE part of **Upper Galveston Bay**; see the chart for depths.

(18/03 CG9; CL 306/03)

30/03

COAST PILOT 5 30 Ed 2003 Change No. 26

Page 353—Paragraph 249, lines 3 to 4; read:

for about 2 miles to another turning basin. In March 2003, the controlling depth was 39 feet in the channel and 40 feet in the basin. The ...

(CL 1019/03; CO 030/00) 30/03

Page 355—Paragraph 282, lines 3 to 4; read:

entrance channel to Trinity River. In December 2002, the controlling depth was 6.0 feet. The channel is marked by lights and ...

(CL 1019/03; CO 030/00) 30/03

Page 364—Paragraph 460, lines 5 to 6; read:

the Intracoastal Waterway. In January 2003, the controlling depth was 9.7 feet (10.9 feet at midchannel) to the Monsanto basin. It ...

(CL 1019/03; CO 030/00) 30/03

Page 369—Paragraph 59, lines 7 to 8; read:

Waterway. In January 2003, the controlling depth was 7.7 feet (9.0 feet at midchannel) to about 3.75 miles above the mouth; ...

(CL 1019/03; CO 030/00) 30/03

Page 404—Paragraph 410, lines 2 to 3; read:

leads S about 0.5 mile and joins the Colorado River. In January 2003, the controlling depth in the channel was 6.4 feet.

(CL 1019/03; CO 030/00) 30/03

Page 404—Paragraph 413, lines 5 to 6; read:

January-April 2003, the channel had a controlling depth of 1.2 feet (1.9 feet at midchannel). The Gulf entrance to the flood discharge ...

(CL 1019/03; CO 030/00) 30/03

COAST PILOT 5 30 Ed 2003 Change No. 27

Page 115—Paragraph 2491, line 1; read:

§165.761 Security Zones; Port of Palm Beach, Port Everglades, Port of Miami, and Port of Key West, Florida.

(a) *Location.* The following areas are security zones:

(1) *Fixed and moving security zones around vessels in the Ports of Palm Beach, Port Everglades, Miami, and Key West, Florida.* Moving security zones are established 100 yards around all passenger vessels, vessels carrying cargoes of particular hazard, or vessels carrying liquefied hazardous gas (LHG) as defined in 33 CFR parts 120, 126 and 127 respectively, during transits entering or departing the Ports of Palm Beach, Port Everglades, Miami or Key West, Florida. These moving security zones are activated when the subject vessel passes: “LW” buoy, at approximate position 26°46.3'N., 080°00.6'W., when entering the Port of Palm Beach, passes “PE” buoy, at approximate position 26°05.5'N., 080°04.8'W., when entering Port Everglades; the “M” buoy, at approximate position 25°46.1'N., 080°05.0'W., when entering the Port of Miami;

and “KW” buoy, at approximate position 24°27.7'N., 081°48.1'W., when entering the Port of Key West. Fixed security zones are established 100 yards around all passenger vessels, vessels carrying cargoes of particular hazard or liquefied hazardous gas (LHG) as defined in 33 CFR parts 120, 126 and 127 respectively, while they are docked in the Ports of Palm Beach, Port Everglades, Miami or Key West, Florida.

(2) *Fixed security zone in the Port of Miami, Florida.* A fixed security zone encompasses all waters between Watson Park and Star Island on the MacArthur Causeway south to the Port of Miami. The western boundary is formed by an imaginary line from points

25°46.79'N., 080°10.90'W., to

25°46.77'N., 080°10.92'W. to

25°46.88'N., 080°10.84'W., and ending on Watson Park at 25°47.00'N., 080°10.67'W. The eastern boundary is formed by an imaginary line from the traffic light located at Bridge road, in approximate position 25°46.33'N., 080°09.12'W., which leads to Star Island, and MacArthur Causeway directly extending across the Main Channel to the Port of Miami, at 25°46.26'N., 080°09.18'W. The fixed security zone is activated when two or more passenger vessels, vessels carrying cargoes of particular hazard, or vessels carrying liquefied hazardous gas (LHG) as defined in 33 CFR parts 120, 126 and 127 respectively, enter or moor within this zone.

(i) Vessels may be allowed to transit the Main channel when only one passenger vessel or vessel carrying cargoes of particular hazard are berthed, by staying on the north side of the law enforcement boats and cruise ship tenders which will mark a transit lane in channel.

(ii) When passenger vessels are not berthed on the Main Channel, navigation will be unrestricted. Law enforcement vessels can be contracted on VHF Marine Band Radio, Channel 16 (156.8 MHz).

(3) *Fixed security zones in the Port Everglades.* A fixed security zone encompasses all waters west of an imaginary line starting at the northern most point 26°05.98'N., 080°07.15'W., near the west side of the 17th Street Causeway Bridge, to the southern most point 26°05.41'N., 80°06.96'W., on the northern tip of pier 22. An additional fixed security zone encompasses the Intracoastal Waterway between a line connecting point 26°05.41'N., 080°06.97'W., on the northern tip of berth 22 and a point directly east across the Intracoastal Waterway to 26°05.41'N., 080°06.74'W.; and a line drawn from the corner of Port Everglades berth 29 at point 26°04.72'N., 080°06.92'W., easterly across the Intracoastal Waterway to John U. Lloyd Beach, State Recreational Area at point 26°04.72'N., 080°06.81'W.

(i) Vessels may be allowed to transit the Intracoastal Waterway when passenger vessels or vessels carrying cargoes of particular hazard are berthed, by staying east of the law enforcement vessels and cruise ship tenders, which will mark a transit lane in the Intracoastal Waterway.

(ii) Periodically, vessels may be required to temporarily hold their position while large commercial traffic operates in this area. Vessels in this security zone must

follow the orders of the COTP or his designated representative, who may be embarked in law enforcement or other vessels on scene. When passenger vessels are not berthed on the Intracoastal Waterway, navigation will be unrestricted. Law enforcement vessels can be contacted on VHF Marine Band Radio, Channel 16 (156.8 MHz).

(b) *Regulations.* (1) Prior to commencing the movement, the person directing the movement of a passenger vessel, a vessel carrying cargoes of particular hazard or a vessel carrying liquefied hazardous gas (LHG) as defined in Title 33, Code of Federal Regulations parts 120, 126 and 127 respectively, is encouraged to make a security broadcast on VHF Marine Band Radio, Channel 13 (156.65 MHz) to advise mariners of the moving security zone activation and intended transit.

(2) In accordance with the general regulations §165.33 of this part, entry into these zones is prohibited except as authorized by the Captain of the Port Miami or his designated representative. Other vessels such as pilot boats, cruise ship tenders, tug boats and contracted security vessels may assist the Coast Guard Captain of the Port under the direction of his designated representative by monitoring these zones strictly to advise mariners of the restrictions. The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 16 (156.8 MHz) when the security zones are being enforced.

(3) Persons desiring to enter or transit the area of the security zone may contact the Captain of the Port at (305) 535-8701 or on VHF Marine Band Radio, Channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(4) The Captain of the Port Miami may waive any the requirements of this subpart for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for the purpose of port security, safety or environmental safety.

(c) *Definition.* As used in this section, cruise ship means a passenger vessel greater than 100 feet in length and over 100 gross tons that is authorized to carry more than 12 passengers for hire making voyages lasting more than 24 hours, except for a ferry.

(d) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

§165.762 Security Zone; St. Thomas, U.S. Virgin Islands.

(a) *Location.* Moving and fixed security zones are established 50 yards around all cruise ships entering, departing, moored or anchored in the Port of St. Thomas, U.S. Virgin Islands. The security zone for a cruise ship entering port is activated when the vessel passes: St. Thomas Harbor green lighted buoy 3 in approximate position 18°19'19"N., 64°55'40"W. when entering the port using St. Thomas Channel; red buoy 2 in approximate position 18°19'15"N., 64°55'59"W. when entering the port using East Gregorie

Channel; and red lighted buoy 4 in approximate position 18°18'16"N., 64°57'30"W. when entering the port using West Gregorie Channel. These zones are deactivated when the cruise ship passes any of these buoys on its departure from the Port.

(b) *Regulations.* (1) Under general regulations in §165.33 of this part, entering, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port of San Juan.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at the Greater Antilles Section Operations Center at (787) 289-2041 or via VHF radio on Channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his designated representative.

(3) The Marine Safety Office San Juan will attempt to notify the maritime community of periods during which these security zones will be in effect by providing advance notice of scheduled arrivals and departures of cruise ships via a broadcast notice to mariners.

(c) *Definition.* As used in this section, cruise ship means a passenger vessel greater than 100 feet in length that is authorized to carry more than 150 passengers for hire, except for a ferry.

(d) *Authority.* In Addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

§165.802 Lower Mississippi River vicinity of Old ...

(FR 01/23/03; CL 1161/03; FR 06/04/03) 30/03

COAST PILOT 5 30 Ed 2003 Change No. 28

Page 221—Paragraph 342, lines 6 to 7; read:

Waterway. In January 2003, the controlling depth was 3.9 feet (5.5 feet at midchannel) to the highway bridge, thence 4.2 feet (4.5 feet at midchannel) to the ...

(CL 391/03; BPs 179952-56) 30/03

Page 258—Paragraph 215, lines 4 to 5; read:

paved launching ramp is near the bridge. The launching ramp is accessible at high water only.

(DB 1420) 30/03

Page 258—Paragraph 218, lines 3 to 5; read:

park with a launching ramp on the point.

(DB 1418) 30/03

Page 273—Paragraph 163, line 5; read:

February 2003, the controlling depth was 13.0 feet in the entrance ...

(BPs 180728-30) 30/03

Page 273—Paragraph 163, line 10; read:

buoys, lights, and daybeacons. State Route 188 highway bridge has a ...

(LL/03) 30/03

Page 278—Paragraph 236, lines 5 to 7; read:
Route 90 highway bridge. In March 2003, the controlling depth was 6.8 feet (8.3 feet at midchannel). The channel is marked by lights and daybeacons. **Biloxi Channel**, a ...
(BPs 180720-27; LL/03; NOS 11372) 30/03

Page 278—Paragraph 236, lines 11 to 14; read:
highway bridge. In March 2003, the controlling depth was 6.4 feet (7.7 feet at midchannel) to Daybeacon 14; thence in 2001-March 2003, 7.4 feet (8.0 feet at midchannel) to the junction with the Biloxi East ...
(BPs 180718-19) 30/03

COAST PILOT 5 30 Ed 2003 Change No. 29

Page 213—Paragraph 175, line 21 to Paragraph 176; read:
In 2000, the channel had a reported controlling depth of 2 feet with lesser depths reported in the basin.

The island has three marinas. One is at the N end on the E side of the causeway, and two are on the W side of the island. Two marinas have protected basins. All have gasoline, water, and ice available. A boatyard on the E side of the island has a marine railway that can handle craft to 53 feet for hull and engine repairs.
(NOS 11430; CL 923/03) 30/03

Page 213—Paragraph 180, lines 4 to 5; read:
Service. In 2000, depths of less than 4 feet were reported in the channel with shoaling in the basin. A visitors center of The ...
(NOS 11430) 30/03

Page 213—Paragraph 188, lines 6 to 7; read:
gasoline, water, ice, limited marine supplies, dry storage, and a launching ramp; engine repairs can be made. In February 2003, a reported approach depth of 5 ...
(CL 923/03) 30/03

Page 215—Paragraph 219, lines 7 to 11; read:
Water Turkey Bay. There are several marinas on the N side of the Cocohatchee River near the mouth that provide gasoline, diesel fuel, water, ice, dry storage, and marine supplies. Hull, engine and electronic repairs can be made; lift to 5 tons.
(CL 906/02; CL 938/01) 30/03

Page 257—Paragraph 196, line 7; read:
November 2002, the controlling depth was 4.5 feet (8.0 feet at ...
(CL 8/03) 30/03

Page 329—Paragraph 282, lines 12 to 17; read:
basculer bridge has a reported clearance of 4 feet down and 73 feet up. (See **117.1 through 117.59 and 117.435**, chapter 2, for drawbridge regulations.) An overhead power cable at the highway bridge has a ...
(23/03 CG8; 33 CFR 117) 30/03